

REMARKS

Upon entry of this Response, claims 1, 4-9, 11-16, 18-20, and 27-28 remain pending in the present patent application. No amendments have been made to the claims listed above, where the listing of the claims is provided merely for the sake of convenience. Applicant requests reconsideration of the pending claims in view of the following remarks.

To begin, in item 1 of the Office Action, claims 1, 4, 6, 7, 9, 11, 13, 15, 16, 18, 20, 27, and 28 have been rejected under 35 USC §103(a) as being unpatentable over the combination of US Patent Application Publication 2002/0073304A-1 filed by Marsh (hereafter "*Marsh*") in view of US Patent 5,156,346 filed by Asco (hereafter "*Asco*"), and in view of US Patent 6,742,025 issued to Jennery (hereafter "*Jennery*"), and further in view of US Patent Application Publication 2003/0110369 filed by Fish et al., (hereafter "*Fish*").

In addition, in item 2 of the Office Action, claims 5, 12, and 19 have been rejected under 35 USC §103(a) as being unpatentable over *Marsh*, *Asco*, *Jennery*, and *Fish* as applied to claim 1, and further in view of US Patent 5,594,757 issued to Martinez (hereafter "*Martinez*"). Finally, claims 8 and 14 have been rejected under 35 USC §103(a) as being unpatentable over *Marsh*, *Asco*, *Jennery*, and *Fish* as applied to claim 1 and further in view of US Patent 6,009,524 issued to Olarig (hereafter "*Olarig*").

Applicant notes that all of the claims as cited above have been rejected by a combination of references that includes *Fish*. Applicant respectfully traverses the rejection of all the claims as *Fish* is improperly asserted as prior art in the present invention. In particular, Applicant notes that *Fish* was filed with the United States Patent and Trademark Office on December 11, 2001. This predates the filing date of the present application by seven (7) days as the present application was filed on December 18, 2001. Applicants submit herewith declarations signed by all of inventors of the present patent application indicating that the invention that is the subject of the claims of the present patent application was conceived at least prior to December 11, 2001, and that the Applicants diligently pursued the filing of the present patent application between December 11, 2001 up to filing date of December 18, 2001.

In particular, evidence of both the date of conception and the diligence of the Applicants in the present patent application up until the filing date of December 18, 2001 is attached hereto in accordance with the declarations signed by each of the inventors. The exhibits include an invention disclosure ("Exhibit A") that was submitted to the employer of the inventors of the

present patent application prior to December 11, 2001, thereby evidencing a date of conception that predates December 11, 2001.

Also, a copy of an email transmitted from the patent attorneys who drafted the patent application to the inventors on December 10, 2001 is attached as "Exhibit B." This email relays a draft copy of a patent application to the inventors for their review.

Sometime between Tuesday, December 11, 2001 and Friday, December 14, 2001, the inventors provided feedback to their patent attorneys who prepared the patent application in order to generate a final draft. After the weekend, both inventors approved the patent application for filing with the United States Patent and Trademark Office on Monday, December 17 as evidenced by the signed Declaration attached hereto as "Exhibit C."

Accordingly, Applicant asserts that the invention was conceived by the inventors and diligence occurred on the part of the inventors to effect the filing of the present patent application based on the activities set forth above and in the Exhibits attached as part of the accompanying declarations by the inventors. Thus, the date of invention of the present application predates the filing date of *Fish*. Accordingly, *Fish* is disqualified as a prior art reference as it does not qualify as prior art under 35 USC §102.

Given that all of the pending claims of the present patent application were rejected based on combinations of references that included *Fish*, Applicants assert that the rejection of the pending claims in the present patent application is improper. Therefore, Applicant respectfully requests that the rejection of claims 1, 4-9, 11-16, 18-20, and 27-28 be withdrawn.

CONCLUSION

It is requested that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding this Response, the Examiner is encouraged to telephone the undersigned counsel of Applicants.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. D'Aurelio", written over a horizontal line.

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